IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

R.P.No. 201 of 2007(Y)

AGAINST THE JUDGEMENT/ORDER IN WPC.24565/2006
.....

PETITIONER

CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY THE SUPERINTENDENT OF POLICE,
KAKTHRUKADAVU, KOCHI 17.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:

1. MATHAICHAN MATHEW, S/O.MATHEW,
MADAPPALLY MATTATHIL MAZHOOR P.O. KUTTICKAL,
KANJIRAPPALLY, KOTTAYAM NOW R/A. JUBILIE SOUDI
ARABIA, REP. BY HIS POWER OF ATTORNEY HOLDER
ZAKARIA MATHEW SENZO ENGINEERING (P)LTD, 302A
EVENING STAR, REHEJA VIHAR COMPLEX, ANDERI(E), MUMBAI.

2. ZAKARIA MATHEW,
SENZO ENGINEERING (PVT)LTD.,
302-A, EVENING STAR, ANDHERI EAST, MUMBAI.

3. THE SECRETARY,
HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

4. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

5. N.RAMACHANDRAN,
DEPUTY SUPERINTENDENT OF POLICE,
ADMINISTRATION, KOTTAYAM.

BY ADV. SRI. AMJAD ALI, GOVERNMENT PLEADER
SRI,PIRAPPANCODE V.S.SUDHEER

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

R.P. NO. 201 of 2007
in
W.P.(C). NO. 24565 OF 2006

Dated this the 26th day of February, 2007

ORDER

The review petitioner/CBI was directed to investigate Crime No. 73/2002 of Gandhi Nagar Police Station as well as Crime No. 96/2003 of Kanjirappally Police Station. This Court as per order in Writ Petition No. 24565/2006 directed the CBI to investigate both the cases. The CBI has filed an application on receipt of the CD from the Special Investigation Team that was conducting the investigation in both the matters. It was found that in Crime No. 73/2002 the police had filed a final report as well as additional report and further investigation is being conducted by the Special Investigation Team. Hence it would not be possible for the CBI to conduct investigation in the above matter as the final report has already been filed in the matter earlier by the local police and as the law is that only the same agency can conduct further investigation. The above proposition was not disputed.

2. In the circumstances, the further investigation of Crime No. 73/2002 will be continued by the Special Investigation Team. The Special Investigation Team shall submit the final report at the earliest at any rate within six months from today onwards. The CBI shall conduct investigation in Crime No. 96/2003 re-registered as R.C. No. 30(S)/2006. The CBI shall also complete the investigation as expeditiously as possible. The order dated 06.12.2006 in Writ Petition No. 24565/2006 is reviewed accordingly.

The R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

RV